

REMARKS

Status of Application

Claims 2-15 are all the claims pending in the Application. Claims 2-5 are amended.

Claim 1 is canceled without prejudice or disclaimer.

Claim Rejections under 35 U.S.C. § 103

Claims 1 and 3-5 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 7,158,018 to Schick ("Schick") in view of U.S. Patent No. 7,316,251 to Kogure et al. ("Kogure"). Applicant traverses this rejection for at least the following reasons.

Claim 1 is canceled, thereby rendering its rejection moot.

Regarding the remaining rejected claims, the earliest priority date of Kogure is August 26, 2003, which is later than the priority date of August 19, 2003 of the present application. Accordingly, Kogure is not effective as prior art under 35 U.S.C. § 103(a). Applicants are in the process of obtaining a verified translation of the present priority application to prove entitlement to the noted priority date, and will submit the same shortly by way of Supplemental Response.

Schick alone fails to support a prima facie case of obviousness. Moreover, as claims 3-5 are amended to depend from claim 2, these claims are also allowable at least by virtue of their dependency from amended independent claim 2. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection.

Allowable Subject Matter

Applicant thanks the Examiner for indicating that claim 2 as previously presented is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including the limitations of the base claim. Applicant hereby amends claim 2

to independent form and respectfully requests that the Examiner indicate the allowability of claim 2 and its dependent claims 3-5.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

This Application is being filed via the USPTO Electronic Filing System (EFS). Applicant herewith petitions the Director of the USPTO to extend the time for reply to the above-identified Office Action for an appropriate length of time if necessary. Any fee due under 37 U.S.C. § 1.17(a) is being paid via the USPTO Electronic Filing System (EFS). The USPTO is also directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

/Richard Turner/
Richard C. Turner
Registration No. 29,710

Date: June 13, 2008